

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DAVID FELTON,)	
)	
Petitioner,)	
)	
v.)	1:11CV759
)	
JOSEPH HALL,)	
)	
Respondent.)	

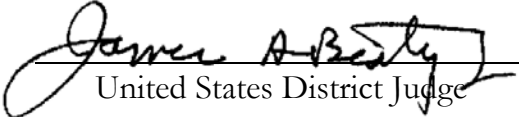
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 10, 2012, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge’s report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge’s report. The court therefore adopts the Magistrate Judge’s recommendation.

IT IS THEREFORE ORDERED that Petitioner’s “Rule 60(b)” motion is construed as an attempt by Petitioner to file a second or successive § 2254 action and that the habeas corpus petition is dismissed without prejudice due to Petitioner’s failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and Fourth Circuit

Local Rule 22(d). A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.


United States District Judge

Date: February 29, 2012